

MAIL STOP AF

PATENT

Attorney Docket No. BA-32448(1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BAKER et al.
Serial No. : 10/817,058
Filing Date : April 2, 2004
For : Method of Treating Cardiac Ischemia by Using Erythropoietin
Group Art Unit: 1653
Examiner : NOAKES, Suzanne Marie
Confirmation No.: 2664

CERTIFICATION OF SUBMISSION

I hereby certify that, on the date shown below, this correspondence is being transmitted via the Patent Electronic Filing System (EFS) addressed to Examiner NOAKES at the U.S. Patent and Trademark Office.

Date: _____

July 10, 2006

John L. Palmater

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL

Sir:

Applicant requests consideration of the pending claims in the above-identified patent application based on the remarks herein.

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

An **Appendix** including the following documents, is attached following page 10 of this paper:

Declaration under Section 131(b) with Exhibits A-H

Petition under 37 CFR § 1.47 with Exhibits 1-3

Statement under 37 CFR § 3.73(b) with copy of Assignments